ESTTA Tracking number:

ESTTA510435

Filing date:

12/12/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| Proceeding | 91206463 | | |
|---------------------------|---|--|--|
| Party | Plaintiff BHPC Associates LLC | | |
| Correspondence Address | ROBERT L EPSTEIN EPSTEIN DRANGEL LLP 60 EAST 42ND STREET, SUITE 2410 NEW YORK, NY 10165 UNITED STATES mail@ipcounselors.com | | |
| Submission | Other Motions/Papers | | |
| Filer's Name | Robert L. Epstein | | |
| Filer's e-mail | mail@ipcounselors.com | | |
| Signature | /robert I. epstein/ | | |
| Date | 12/12/2012 | | |
| Attachments | 121212 submission re Board decision.pdf (4 pages)(49366 bytes) | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK TRIAL AND APPEAL BOARD

| BHPC Associates LLC | _ |) | |
|---------------------|------------|---|--------------------------|
| | Opposer, |) | Opposition No.: 91206463 |
| | | , | |
| v. | |) | |
| | |) | |
| | |) | |
| Rich C. Young | |) | |
| - | |) | |
| | Applicant. |) | |
| | |) | |

To the Assistant Commissioner for Trademarks: 2900 Crystal Drive Arlington, VA 22202-3513

In response to the decision of the Board dated December 4th 2012 in the above captioned opposition, Opposer wishes to make the following of record.

Although the decision notes that on August 14th 2012 Applicant filed two consented requests to extend his time to answer, the fact is that Mr. Young neither obtained Opposer's consent to either request, nor ever served Opposer with a copy of same. That is why Opposer filed its motion for default.

Further, it appears that applicant filed its response to the Notice of Opposition without signing it and with an unsigned Certificate of Service stating that a copy of the response to the Notice of Opposition was mailed to my firm on November 10th 2012. In fact, we did receive a copy of the document in an envelope post marked 12th November 2012, see attached.

Respectfully submitted,

EPSTEIN DRANGEL LLP

Attorneys for Registrant

Dated: December 12, 2012

By: /Robert L. Epstein/
Robert L. Epstein
Jason M. Drangel
William C. Wright
Dermot M. Sheridan
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New York, New York 10165

Tel.: (212) 292-5390 Fax: (212) 292-5391

Our Ref.: 2938-029

CERTIFICATE OF SERVICE

I hereby certify that the foregoing submission was filed with the Trademark Trial and Appeal Board electronically on this 12th day of December, 2012, and that a true and complete copy of the submission was served on Applicant, Rich C. Young, on December 12th 2012.

Date: 12/12/2012

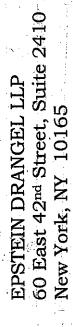
BY:

/Dermot M. Sheridan/ Dermot M. Sheridan CHAIN AND CAME

TO MANAGEMENT PROPERTY.

333 W. GARVEY AVE SUITE 123B MONTEREY PARK, CA 91754

RICH C. YOUNG



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